



**COMMONWEALTH of VIRGINIA**  
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July 28, 2004

Dr. Jo Lynne DeMary  
Superintendent of Public Instruction  
Department of Education  
Monroe Building  
101 North 14<sup>th</sup> Street  
Richmond, VA 23219

**Re: Regulations for the General Achievement Diploma  
(8 VAC 20-680-10)**

Dear Dr. DeMary:

You ask whether the Virginia Board of Education possesses the requisite statutory authority to amend the above Regulations for the General Achievement Diploma, 8 VAC 20-680-10.

Section 22.1-16 vests the Board of Education with the authority to promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of Title 22.1. Additionally, § 22.1-253:13:4(F) provides: "The Board shall establish, by regulation, requirements for the award of a general achievement diploma for those persons who have (i) achieved a passing score of the GED examination; (ii) successfully completed an education and training program designated by the Board of Education; and (iii) satisfied other requirements as may be established by the Board for the award of such diploma."

In my view, the above provides the Board the requisite authority to adopt these regulations.

The foregoing represents my view and does not constitute an official opinion of the Attorney General. If you require additional assistance from me on this matter, please do not hesitate to contact me.

Sincerely,

Deborah Love Feild  
Senior Assistant Attorney General